

State of California
Department of Community Services and Development

PROGRAM GUIDANCE

ARRA DOE WAP No. 14

Date: December 6, 2010

TO: ARRA DOE WAP Contractors/Service Providers

SUBJECT: Guidance on Post-Weatherization Inspection Requirements

PURPOSE: To inform Contractors of forthcoming changes in contract amendment with respect to Post-Weatherization Inspections in order to ensure compliance with DOE regulations and grant guidance

REFERENCES: 2009 ARRA DOE WAP Agreement

- Exhibit A, section 1, B.
- Exhibit B, section 4, G, 1)
- Exhibit F, section 6, B, 1)

Code of Federal Regulations

- 10 CFR 440 Section 440.16 (g)

EFFECTIVE DATE OF GUIDANCE: December 6, 2010

Program Requirements

10 CFR 440 Section 440.16 (g) provides as follows:

"No dwelling unit may be reported to DOE as completed until all weatherization materials have been installed and the subgrantee, or its authorized representative, has performed a final inspection(s) including any mechanical work performed and certified that the work has been completed in a workmanlike manner and in accordance with the priority determined by the audit procedures required by Sec. 440.21."

DOE has determined that Exhibit F, section 6, paragraph B, subsection 1)¹ of California's 2009 ARRA DOE WAP Agreement as amended fails to comply with the requirements of the Federal Regulation quoted above.

¹ "Contractor shall make a reasonable attempt to schedule appointments for the post-weatherization inspection. A minimum of two written correspondences to schedule an appointment or one missed appointment shall constitute a reasonable effort."

The forthcoming Contract Amendment for Phase II funding will contain the following provisions regarding post-weatherization inspections:

1. Contractor shall perform post-weatherization inspections on one-hundred percent (100%) of the total dwellings weatherized.
2. Contractor shall not report a weatherized dwelling as completed nor shall Contractor request reimbursement for a weatherized dwelling until all weatherization measures identified during the dwelling assessment have been installed, *including post-weatherization inspections*.

DOE's determination that Exhibit F, section 6, paragraph B, subsection 1) of the existing contract is not compliant with Federal requirements means that all units weatherized under the program, *from inception*, must be inspected. To satisfy this requirement, Contractors must begin meeting the amendment requirements, regarding post-weatherization inspections as set out above, from the effective date of this guidance.

The Contract Amendment for Phase II funding will also contain provisions retroactive compliance with DOE's expectation of 100% post-weatherization inspections of *all dwellings weatherized under the program* as follows:

1. Contractors will make every conceivable and reasonable effort to conduct post-weatherization inspections of all dwellings weatherized under this Agreement, regardless of completion date. The cost of such inspections will be fully reimbursed by CSD.
2. Contractors will have until February 7, 2010 to meet the 100% post-weatherization requirement or to document, by dwelling, why the required inspection could not be conducted. Any dwellings which are not inspected by Contractor, may be inspected by CSD's third-party inspectors. In the event deficiencies or irregularities in the weatherization work are discovered, Contractor will be responsible for correcting workmanship issues and their associated cost. In the event the Contractor is unable to successfully remediate noted workmanship issues, then CSD will disallow all project costs for weatherized dwelling in question and the cost of the inspection charged to Contractor.